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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 KINDERSTART.COM LLC, a California
12 limited liability company, on behalf of itself and
all others similarly situated,

13 Plaintiffs,

14 v.

15 GOOGLE, INC., a Delaware corporation,

16 Defendant.

Case No. C 06-2057 JF

**DECLARATION OF RANDALL
McCARLEY IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO STRIKE UNDER
CCP § 425.16**

18 I, RANDALL McCARLEY, HEREBY DECLARE AS FOLLOWS:

19 1. I am sole proprietor of a firm called 14th Colony based in Sacramento, California.

20 2. For the past 10 years, I have worked with numerous clients and their Websites to
21 determine if their sites are designed in a way and manner to make them appealing, user-friendly,
22 and accessible through a search engine.

23 3. I regularly consult the blog of a chief engineer employed at Google, named Matt
24 Cutts. On information and belief, he is a principal person vested with the responsibility of
25 imposing penalization on Websites that Google removes from its index.

26 4. Google posts Webmaster guidelines for site design and development, at
27 <http://www.google.com/support/webmasters/>. These guidelines are difficult to follow and
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1 subject to very, very wide swings of interpretation by Google, Webmasters, and the public at
2 large. I have attempted to obtain clarification of them in the past from Google, but without
3 success. Even if I were to fully comply with the guidelines for a particular site, I have absolutely
4 no assurance from Google, that my site or my clients' sites can prevent getting de-indexed or
5 eventually being removed temporarily or permanently from Google's index. Nor do I ever get
6 electronic, written, verbal or any other type of notice or confirmation that the compliance with
7 the Webmaster guidelines is complete and proper, or deficient in any respect.

8 5. I have learned from reading blogs and participating in forums that a host Website
9 with a discussion forum where a visitor adds inappropriate outbound links to other websites may
10 programmatically damage the ranking or value of the host site for purposes of search engine
11 results or on the search engine of Google.

12 6. I have reviewed a portion of the history of www.kinderstart.com. In the past, a
13 forum was opened at this site to allow visitors to post comments and information. Apparently, a
14 small group among many participants in the forum over a period of time made posts that were
15 inappropriate given the mission and theme of this parents' and children's site. I have determined
16 that any and all of these links have been removed by the Webmaster of www.kinderstart.com.
17 After that time, once these links were removed, that was no longer a possible reason that this site
18 would be considered objectionable, inappropriate and unsuitable based on the published
19 Webmaster guidelines appearing at www.google.com.

20 7. It is technically possible for an outside third party to visit a Website's forum and
21 post content or links without the site's approval. Google can and does independently punish
22 sites as these for allowing an undesirable link to appear on such sites. To my knowledge,
23 Google does not list for Websites what links will cause punishment or when and what
24 punishment will happen.

25 8. I have become aware that the PageRank of www.kinderstart.com changed from '7'
26 to '0' on or about July 13, 2006 in a single day. Based on my experience and to the best of my
27 knowledge, this would be impossible to occur within the normal operation of the algorithm used
28 by Google to compute PageRank. The only possible causes I am aware of would be (1) a direct,

1 penalization from Google, or (2) all the thousands of inbound links from other sites were
2 removed.

3 I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal
4 knowledge, except for those matters above stated on information and belief.

5 Executed on this 12th day of October, 2006 in Sacramento, California.

6
7 By: 

RANDALL McCARLEY